

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA

UNITED STATES OF AMERICA,

Plaintiff,

v.

CRYSTAL MARIE HAWORTH,

Defendant.

Case No. 21-cr-00207

Hon. David Cleveland Joseph

DEFENDANT'S UNOPPOSED MOTION TO CONTINUE TRIAL

Defendant Crystal Marie Haworth, by her counsel, moves to continue all trial dates in this matter, including the deadline to file pretrial motions, for 60 days. Currently, pretrial motions are due on March 16, 2022, and trial is scheduled for May 16, 2022. (Dkt. #39)

The circumstances of this complex case, including Ms. Haworth's waiver of her right to a speedy trial, support an adjournment. Ms. Haworth was originally charged in the District Court of the 18th Judicial District of the State of Oklahoma with murder in the first degree. On May 7, 2021, that court dismissed the charge finding that pursuant to *McGirt v. Oklahoma*, 140 S. Ct. 2452 (2020), it did not have jurisdiction over the matter.

On May 13, 2021, a grand jury in the Eastern District of Oklahoma issued a one-count indictment after finding probable cause to believe that, on July 15, 2020,

Ms. Haworth murdered Leonard Brokeshoulder with pre-mediation and malice aforethought. (R. 6, Indictment) On May 14, 2021, undersigned counsel was appointed at Ms. Haworth's initial appearance, and she entered a not guilty plea. (Dkt. #11, 13) The government produced discovery that same day.

Counsel has made multiple trips from Michigan to Oklahoma to investigate the circumstances of the killing and issues related to her mental health and personal background. This process has required reviewing numerous records and requesting the input of various experts. Defense counsel is prepared to provide the government with a resolution proposal and materials to evaluate it. Other than the possibility of providing notice of intent to raise an affirmative defense, at this time, defense counsel does not anticipate filing any Rule 12 pretrial motions. Additional time should also facilitate discussions with the government about a resolution in this case.

Counsel has advised Ms. Haworth of her right to a speedy trial under the Speedy Trial Act. She wants counsel to have adequate time fully to complete investigation, provide the government with the materials necessary to evaluate a negotiated resolution, and allow the government time to consider the proposal. Ms. Haworth is therefore waiving her right to a speedy trial under the Speedy Trial Act.

In light of the foregoing, proceeding with the motions deadline and trial date as scheduled would prejudice Ms. Haworth. The Government has no objection to continuing the schedule, and Ms. Haworth is waiving her rights under the Speedy

Trial Act to ensure that counsel has adequate time to provide the government with sufficient information to assess the proposed resolution.

CONCLUSION

Ms. Haworth requests that the Court find that the requested continuance is in her best interest and outweighs her interest and the public's interest in a speedy trial. *See* 18 U.S.C. § 3161(h)(7)(A). A continuance is also necessary for the effective preparation of defense counsel, because the case presents complex legal and factual issues, and to allow the parties to explore a negotiated resolution, which would conserve judicial resources. *See* 18 U.S.C. §§ 3161(h)(7)(B)(ii) & (iv). The Court should find excludable delay and adjust all deadlines as proposed or as the Court otherwise deems appropriate.

Date: March 8, 2022

Respectfully submitted,

FEDERAL COMMUNITY DEFENDER

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CERTIFICATE OF SERVICE

I hereby certify that on March 8, 2022, I electronically filed the foregoing paper with the Clerk of the Court using the ECF system which will send notification to opposing counsel.

Respectfully Submitted,

FEDERAL COMMUNITY DEFENDER

s/ Colleen P. Fitzharris

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